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May 16, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: 

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PATENT

Attorney Docket No.: 17634-000330US  
Client Reference No.: E-089-97/5

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Brian R. Murphy et al.

Application No.: 09/458,813

Filed: December 10, 1999

For: USE OF RECOMBINANT LIVE-  
ATTENUATED PARAINFLUENZA  
VIRUS (PIV) AS A VECTOR TO  
PROTECT AGAINST DISEASE  
CAUSED BY PIV AND RESPIRATORY  
SYNCYTIAL VIRUS (RSV)

Examiner: Unassigned

Art Unit: Unassigned

**REQUEST UNDER 37 CFR 1.821(e)**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In the Notice to File Missing Parts of Nonprovisional Application, dated March 16, 2000, the Examiner notes that a copy of the "Sequence Listing" in computer readable form has been submitted, but states that the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823. The basis for this determination of non-compliance is stated to be "on the attached copy of the marked-up 'Raw Sequence Listing'." However, no marked-up, Raw Sequence Listing document was attached to the Notice to File Missing Parts.

The Notice to File Missing Parts refers Applicants to the CFR submission help line and provides relevant contact information for this and other offices at the PTO. Following the Office's instructions, Applicants' representative contacted the appropriate offices at the PTO on March 21, 2000, March 29, 2000 and April 3, 2000 and left a voice mail message each time stating that the above-referenced "marked-up 'Raw Sequence Listing'" was never received and requesting that a copy of this document be forwarded via facsimile to our office. No response to these requests has been received.



Applicants again request that the Office provide the indicated "marked-up 'Raw Sequence Listing'" in the application, along with a clear explanation of the asserted grounds for non-compliance relating to the requirements of 37 CFR §§ 1.821-1.825. Absent this information, Applicants maintain their good faith belief that the Sequence Listing as filed fully complies with these requirements.

Although no fee is believed due with this submission, the Commissioner is hereby authorized to charge any fees associated herewith to Deposit Account No. 20-1430.

Respectfully submitted,

Dated: May 16, 2000

By: 

Jeffrey J. King  
Reg. No. 38,515

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